IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICITON

CENTRAL EXCISE APPEAL NO.215 OF 2006

Commissioner of C. Ex., Mumbai-V .. Appellant.
Versus
M/s.Jayesh Plastics .. Respondent.

Mr.K.R. Chaudhari for the appellant.

CORAM : F.I. REBELLO &
J.P. DEVADHAR, JJ.

DATED : 21ST SEPTEMBER, 2007.

P.C. :

1. By the impugned order dated 8-4-2003, order of the Commissioner has been set aside and the matter remanded to the Commissioner for redetermination as set out therein. It is the contention of the learned counsel for the appellant that the issue of penalty has not been remitted.

2. We have heard learned counsel, in our opinion, question of law as framed would not arise. It would be open to the appellant to raise all contentions available to them before the learned Commissioner.

3. With these observations, the appeal is disposed of.

(F.I. REBELLO, J.)

(J.P. DEVADHAR, J.)